Scott M. McNair
[redacted]
Phoenix, Arizona 85016

July 22, 2004

Maricopa County Merit Commission
Attn: Ms. Janice Stratton
301 West Jefferson, Suite 219
Phoenix, AZ 85003

Via: Facsimile & Regular Mail

Ms. Stratton,

In my letter to you of June 29 2004, you were notified that both Ms. Mary Cronin and Mr. Daniel Brenden would be called as witnesses in this matter. You were also advised that according to Arizona State Bar Ethics Rule 1.7 being named as witnesses prohibits them from representing **anyone** in this matter.

On July 22 2004 a "Notice of Appearance" was received in which both Ms. Cronin and Mr. Brenden have asserted themselves as counsel for Maricopa County in this matter. Since your office was previously advised that this was illegal, and since you have allowed such to occur, you have forced me to formally pursue this matter.

Since the "Hearing Officer" in this matter is required to be an attorney, please **immediately** provide me with Mr. David Gering's Arizona State Bar Number. As an attorney, he (and your office) are required to disclose such whenever he is acting in an official legal capacity. If you (or he) refuse or fail to disclose such, complaints will be initiated against Mr. Gering with the Arizona State Bar accordingly.

Additionally, as the designated representative for the Commission (and its Hearing Officers), this is to provide you with advance notice that should Mr. Gering allow either Ms. Cronin or Mr. Brenden to blatantly violate ER 1.7 and represent anyone in this matter, I will initiate complaints against Mr. Gering with the Arizona Commission on Judicial Conduct and the State Bar of Arizona.

Since you have failed to provide a business address and facsimile number for Mr. Gering, you will need to take the steps necessary to deliver a copy of this letter to him in a timely manner.

Sincerely,

Scott M. McNair

P.S. As of this date, you have not provided a case/docket number for this matter. Please do so immediately. You may send it by facsimile to me at [redacted]